

**AMENDMENTS TO THE CLAIMS**

Applicants have amended claims 5, 9, 10, 12, 32, 36, 37 and 39 by way of this Response.

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Cancelled)
2. (Previously Presented) A method according to claim 5, further comprising providing another of the at least two sellers with a second look opportunity to satisfy the conditional purchase offer.
3. (Previously Presented) A method according to claim 5, further comprising binding the buyer to the conditional purchase offer.
4. (Previously Presented) A method according to claim 5, further comprising notifying the buyer that the conditional purchase offer will not be satisfied.
5. (Currently Amended) [[An]] A processor-implemented allocation method in a buyer-driven system in which conditional purchase offers are received and considered by or on behalf of a plurality of sellers, the conditional purchase offers each including:
  - (1) a buyer-specified price for a good or service
  - (2) a payment identifier specifying a financial account to be used to pay for said good or service upon acceptance of a conditional purchase offer by a seller and
  - (3) authorization to charge said payment identifier for said good or service upon acceptance of a conditional purchase offer, comprising:

determining which of at least two sellers of the plurality of sellers could satisfy a conditional purchase offer;

determining a priority schedule for the at least two sellers from at least one processor-implemented priority metric and at least one seller criterion;

identifying one of the at least two sellers as a priority seller based on a ~~priority metric~~ the priority schedule; and

after receiving said buyer-specified price, payment identifier and authorization, providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

6. (Previously Presented) A method according to claim 5, wherein one of the at least two sellers is an agency-based seller.

7. (Previously Presented) A method according to claim 5, wherein one of the at least two sellers is a broadcast-based seller.

8. (Previously Presented) A method according to claim 5, wherein the conditional purchase offer is a binding conditional purchase offer.

9. (Currently Amended) A[[n]] processor-implemented allocation method in a buyer-driven system in which conditional purchase offers are received and considered by or on behalf of a plurality of sellers, the conditional purchase offers each including (1) a buyer-specified price for a good or service (2) a payment identifier specifying a financial account to be used to pay for said good or service upon acceptance of a conditional purchase offer by a seller and (3) authorization to charge said payment identifier for said good or service upon acceptance of a conditional purchase offer, comprising:

identifying one of at least two sellers as a priority seller based on a processor-implemented priority metric, wherein identifying one of at least two sellers as a priority seller includes:

determining a number of first look opportunities due to the at least two sellers;

determining a number of first look opportunities given to the at least two sellers; and identifying one of the at least two sellers with the largest deficiency between opportunities given and opportunities due as the priority seller; and

after receiving said buyer-specified price, payment identifier and authorization, providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

10. (Currently Amended) [[An]] A processor-implemented allocation method in a buyer-driven system in which conditional purchase offers are received and considered by or on behalf of a plurality of sellers, the conditional purchase offers each including (1) a buyer-specified price for a good or service (2) a payment identifier specifying a financial account to be used to pay for said good or service upon acceptance of a conditional purchase offer by a seller and (3) authorization to charge said payment identifier for said good or service upon acceptance of a conditional purchase offer, comprising:

identifying one of at least two sellers as a priority seller based on a processor-implemented priority metric, wherein identifying one of at least two sellers as a priority seller includes:

determining a percentage of first look opportunities due to the at least two sellers based on an adjusted market share;

determining a percentage of first look opportunities given to the at least two sellers; and identifying one of the at least two sellers with the largest deficiency between percentage of first look opportunities given and percentage of first look opportunities due as the priority seller; and

after receiving said buyer-specified price, payment identifier and authorization, providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

11. (Previously Presented) A method according to claim 5, wherein identifying one of at least two sellers as a priority seller includes:

assigning a random number to each of the at least two sellers; and

using the random numbers to identify the priority seller.

12. (Currently Amended) [[An]] A processor-implemented allocation method in a buyer-driven system in which conditional purchase offers are received and considered by or on behalf of a plurality of sellers, the conditional purchase offers each including:

(1) a buyer-specified price for a good or service

(2) a payment identifier specifying a financial account to be used to pay for said good or service upon acceptance of a conditional purchase offer by a seller and

(3) authorization to charge said payment identifier for said good or service upon acceptance of a conditional purchase offer, comprising:

identifying one of at least two sellers as a priority seller, based on a processor-implemented priority metric, wherein identifying one of at least two sellers as a priority seller includes:

determining a market share for each of the at least two sellers; and identifying one of the sellers having the largest market share that could also satisfy the conditional purchase offer as the priority seller; and

after receiving said buyer-specified price, payment identifier and authorization, providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

13. (Previously Presented) A method according to claim 5, wherein identifying one of at least two sellers as a priority seller further includes:

determining a buyer preference metric for each of the at least two sellers; and

using the buyer preference metric to identify one of the at least two sellers as the priority seller.

14. (Previously Presented) A method according to claim 5, wherein identifying one of at least two sellers as a priority seller further includes providing an advantage to one of the at least two sellers.

15. (Previously Presented) A method according to claim 5, further comprising:  
determining whether more than one seller price will satisfy the conditional purchase offer; and selecting the highest seller price.

16. (Previously Presented) A method according to claim 5, further comprising:  
determining whether there are other sellers that could satisfy the conditional purchase offer; and  
performing a low price search of the other sellers.

17.-28. (Cancelled)

29. (Previously Presented) A system according to claim 32, further comprising means for providing another of the at least two sellers with a second look opportunity to satisfy the conditional purchase offer.

30. (Previously Presented) A system according to claim 32, further comprising means for binding the buyer to the conditional purchase offer.

31. (Previously Presented) A system according to claim 32, further comprising means for notifying the buyer that the conditional purchase offer will not be satisfied.

32. (Currently Amended) A system for allocation in a buyer-driven system in which conditional purchase offers are received and considered by or on behalf of a plurality of sellers, the conditional purchase offers each including:

(1) a buyer-specified price for a good or service

(2) a payment identifier specifying a financial account to be used to pay for said good or service upon acceptance of a conditional purchase offer by a seller and

(3) authorization to charge said payment identifier for said good or service upon acceptance of a conditional purchase offer, comprising:

means for determining which of at least two sellers of the plurality of sellers could satisfy conditional purchase offer;

means for determining a priority schedule for the at least two sellers based on a processor-implemented priority metric and at least one seller criterion;

means for identifying one of the at least two sellers as a priority seller based on ~~a priority metric~~ the priority schedule; and

means for, after receiving said buyer-specified price, payment identifier and authorization, providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

33. (Previously Presented) A system according to claim 32, wherein one of the at least two sellers is an agency-based seller.

34. (Previously Presented) A system according to claim 32, wherein one of the at least two sellers is a broadcast-based seller.

35. (Previously Presented) A system according to claim 32, wherein the conditional purchase offer is a binding conditional purchase offer.

36. (Currently Amended) A system for allocation in a buyer-driven system in which conditional purchase offers are received and considered by or on behalf of a plurality of sellers, the conditional purchase offers each including:

(1) a buyer-specified price for a good or service

(2) a payment identifier specifying a financial account to be used to pay for said good or service upon acceptance of a conditional purchase offer by a seller and

(3) authorization to charge said payment identifier for said good or service upon acceptance of a conditional purchase offer, comprising:

means for identifying one of at least two sellers as a priority seller based on a processor-implemented priority metric, wherein means for identifying one of at least two sellers as a priority seller includes:

means for determining a number of first look opportunities due to the at least two sellers;

means for determining a number of first look opportunities given to the at least two sellers; and

means for identifying one of the at least two sellers with the largest deficiency between opportunities given and opportunities due as the priority seller; and

means for, after receiving said buyer-specified price, payment identifier and authorization, providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

37. (Currently Amended) A system for allocation in a buyer-driven system in which conditional purchase offers are received and considered by or on behalf of a plurality of sellers, the conditional purchase offers each including:

(1) a buyer-specified price for a good or service

(2) a payment identifier specifying a financial account to be used to pay for said good or service upon acceptance of a conditional purchase offer by a seller and

(3) authorization to charge said payment identifier for said good or service upon acceptance of a conditional purchase offer, comprising:

means for identifying one of at least two sellers as a priority seller based on a processor-implemented priority metric, wherein means for identifying one of at least two sellers as a priority seller includes:

means for determining a percentage of first look opportunities due to the at least two sellers based on an adjusted market share;

means for determining a percentage of first look opportunities given to the at least two sellers; and means for identifying one of the at least two sellers with the largest deficiency between percentage of first look opportunities given and percentage of first look opportunities due as the priority seller; and

means for after receiving said buyer-specified price, payment identifier and authorization, providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

38. (Previously Presented) A system according to claim 32, wherein means for identifying one of at least two sellers as a priority seller includes:

means for assigning a random number to each of the at least two sellers; and

means for using the random numbers to identify the priority seller.

39. (Currently Amended) A system for allocation in a buyer-driven system in which conditional purchase offers are received and considered by or on behalf of a plurality of sellers, the conditional purchase offers each including:

(1) a buyer-specified price for a good or service



(2) a payment identifier specifying a financial account to be used to pay for said good or service upon acceptance of a conditional purchase offer by a seller and

(3) authorization to charge said payment identifier for said good or service upon acceptance of a conditional purchase offer, comprising:

means for identifying one of at least two sellers as a priority seller based on a processor-implemented priority metric, wherein means for identifying one of at least two sellers as a priority seller includes:

means for determining a market share for each of the at least two sellers; and means for identifying one of the sellers having the largest market share that could also satisfy the conditional purchase offer as the priority seller; and

means for, after receiving said buyer-specified price, payment identifier and authorization, providing the priority seller with a first look opportunity to satisfy a conditional purchase offer.

40. (Previously Presented) A system according to claim 32, wherein means for identifying one of at least two sellers as a priority seller further includes:

means for determining a buyer preference metric for each of the at least two sellers; and

means for using the buyer preference metric to identify one of the at least two sellers as the priority seller.

41. (Previously Presented) A system according to claim 32, wherein means for identifying one of at least two sellers as a priority seller further includes means for providing an advantage to one of the at least two sellers.

42. (Previously Presented) A system according to claim 32, further comprising:

means for determining whether more than one seller price will satisfy the conditional purchase offer; and

means for selecting the highest seller price.

43. (Previously Presented) A system according to claim 32, further comprising:

means for determining whether there are other sellers that could satisfy the conditional purchase offer; and

means for performing a low price search of the other sellers.